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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,524	02/17/2004	Harold G. Story	100-00258	1348
26753	7590	05/19/2006	EXAMINER	
ANDRUS, SCEALES, STARKE & SAWALL, LLP			ZIRKER, DANIEL R	
100 EAST WISCONSIN AVENUE, SUITE 1100			ART UNIT	
MILWAUKEE, WI 53202			PAPER NUMBER	

1771

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The Examiner notes a minor informality in several of applicant's claims which he believes should desirably be changed in order to remove any possible ambiguity. More particularly, in claims 1, 15, 29, 43, and 53 (line 6) it is suggested to change "comprised of" to --comprising-- in order to follow more conventional patent draftsmanship.
3. Claims 1-3, 5-17, 19-31, 33-42, 53-57, 59, 60 and 62-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarthy et al, substantially for the reasons set forth in Paragraph No. 4 of Paper No. 092805, together with the following additional observations. More particularly, applicant presents several arguments that deserve serious consideration. With respect to his contention (Response, page 13, 2nd complete paragraph) that the reference is directed to solving a different technological problem than applicant's the Examiner must respectfully note that the reference is also directed to a packaging material which has a water based cold seal cohesive coating thereon (e.g. the Abstract, Field of the Invention), as are a significant number of applicant's claims (which applicant admits in the same paragraph). With respect to applicant's contention (Response, pages 13-14 bridging paragraph) that the reference never mentions either seal deadening or crosslinking, it is noted that while applicant mentions (page 13, 1st complete paragraph) the Examiner's position concerning this issue is that one of ordinary skill would be well aware not to use acrylic emulsions which self crosslink and thus damage (i.e. lessen) the adhesive strength of the cold seal adhesive, he never traverses the Examiner's position stating that such an analysis is well within

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the ordinary skill of the art. Finally, with respect to the alleged drying problems solved by the invention (Response, page 14, 1st complete paragraph) the Examiner notes that McCarthy et al also mentions (e.g. the Abstract) drying the coated cold seal composition, and it is also noted that this parameter is not expressly present in any of his claims, and is also not believed to be inherently present except for the well known fact that aqueous or solvent based adhesives usually evaporate during usage.

4. Claims 43-45 and 47-52 are allowed (although note Paragraph No. 2). Claim 58 is objected to as being dependent upon a rejected base claim.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 – 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.